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International Court of Justice

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

5 July 1946

COMMISSIONER:

Mr. George R Taylor

THE S. S.

(THE COMMISSION CONVENED AT 1010 HOURS.)

Dr. HANS BERNHARD BRAUSSE, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Q What is your name?

A Hans Bernhard Brausse.

Q Please repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE COMMISSIONER: You may sit down. Dr. Pelckmann, I understand you are going to prove the ideals and training of the SS by this witness, is that correct?

DR. PELCKMANN: Here is what I want to prove through this witness: The SS Ideology did not have to lead to criminal actions; the lawful education and training of the members of the Waffen-SS was supposed to prevent criminal actions. It had results. The judge who had an insight into the matters of the Waffen-SS did not know that the SS was following criminal goals.

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He also recognized that the mass of the members did not know of such criminal goals and actions.

MR. TAYLOR: Could you let the Commission know as to about how much time you will require for this witness so that we can arrange accordingly?

DR. PELCKMANN: I believe that I might need less than three hours.

MR. TAYLOR: Very well. Proceed with the witness.

DIRECT EXAMINATION

BY DR. PELCKMANN:

Q Witness, when did you enter the SS?

A I voluntarily entered the SS in the summer of 1939, that is in the SS Reserve Unit, in order to become active in the SS as an SS Judge. I received the rank of an SS Sturmbannfuehrer, which is about the same rank as that of a Courts-Martial Officer of the Army.

Q Did you have the training to be a judge in civil life?

A I was active as an assessor in the German Justice Department and I am also a Doctor of Jury.

Q Was it your duty within the SS to educate the members of the SS according to law?

A Yes, it was my duty for many years. I was active in the center of the Court Martial System of the Waffen-SS, that is in the so-called Main SS Court in Munich.

Q What was intended with this law education?

A We carried out a preventive anti-crime education. The SS judges were not only supposed to punish members of the SS but also to educate them -- to educate them to decency, morals and rights.

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Q And how did you carry out this intention?

A In various ways. First of all, in 1940, a decree came from the Main Office of the SS Court concerning the education of the SS. The troops were to be educated at regular intervals on court martial procedures. The most important lines to be followed were put down in this decree. The SS judges informed not only the officer corps but also the enlisted men concerning the court martial punishments. They also especially instructed the court martial officers. The enlisted men were quite often ordered to attend court martial proceedings as spectators. The Main Office SS Court issued quarterly instructions concerning the court martial system. They were little booklets in a square form, about 24 to 40 pages. These little booklets were issued to all offices and units that were under the SS Court martial system, all the way down to companies. In these booklets the layman received information concerning all the various phases of the military courts and court martial system. Punishments of the various SS courts were published in this booklet as a warning. Other punishments and sentences were made public in Division orders by the SS judges. Finally there was an education on military law at the SS Junker Schools by me and my co-workers. The officer candidates therefore we very well informed of the military law, disciplinary laws and of the International military rights. The supervising officers of these schools were ordered to Munich for courses in military law at the SS Main Court in Munich.

Q Was there any special SS ideology used as a basis for this education?

A The basic point was law and order; the goal, to increase the consciousness of right and law; the main point, just like in every army of the world, the preservation and the increase of discipline. This

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This work was supposed to be in unification with the rest of the SS work. I checked the material that was available to me, especially the SS guiding booklets, from 1939 on. I could not find a special SS ideology. However, the members of the SS were required to meet high standards. For instance, bravery, and a careful choosing of a wife. The main point was a high moral standard but not criminal actions and immorality. I noticed that no primitive propaganda methods were used. The tendency within the Waffen-SS continued more and more to be in the direction of a good soldierly education. In our work we supported this education and taught a sense of military duty. However we also regarded the basic principles of the SS. Besides the honorable behaviour, high moral character, special guarding of property of others, guarding of other races and nationalities and the guarding of religious conduct.

MR. ELWYN-JONES: I am interested in knowing whether those are notes to which the witness seems to be referring.

MR. TAYLOR: I think the Commission understands he has them merely for reference.

THE WITNESS: I will gladly put them away.

MR. ELWYN-JONES. I think it preferable, Mr. Commissioner, that he should give evidence from his memory if he can. If there is anything exemplary to which he wishes to refer, of course, as the prosecutor I would not object.

DR. PELCKMANN: I had told the witness to make some notes so that he would not go too far from the subject and so that we could stay within the time limit.

MR. TAYLOR: That was the commissioner's impression - that he

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used them merely for reference only.

BY DR. PELCKMANN:

A The SS man was supposed to be educated to be brave, chivalrous, a good comrade, disciplined, decent, and honorable.

Q Did you also teach about the oath of the SS?

A Yes, we spoke about the oath in connection with bravery and loyalty. The oath of the SS man does not require more than the oath of the soldier, only it is kept in a more personal form. In it, not like the oath of the soldier, no absolute obedience is required. Of course, one of the basic principles was that the leadership was not to request any unlawful or criminal actions. The SS man was supposed to carry out his soldierly duty, true and brave, to his death.

Q What was your eduction concerning obedience?

A In the notes of the Main Office-SS Court and in the education in the various schools, this matter was discussed thoroughly. We did not teach blind obedience. We pointed out at various times in these little booklets where the borderline of obedience was. We pointed out that a person was not allowed to carry out an order if he noticed or if he found out that the basis for this order was a criminal action. The question of the paragraph 47 of the Military Courts Martial Manual was discussed thoroughly at these schools. Cases from the daily life of a soldier were discussed. It also was taught that the main responsibility with an order was with the leadership. A soldier cannot be required during war time to check every order to ascertain whether or not it was legal. The soldier has to depend on it that the leadership does not require any unlawful actions of him. We taught our officer candidates that the leader-

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~~ship was not allowed to ask the soldiers to carry out~~ unlawful much less criminal actions. Now, looking back, I have to see that those persons who received unlawful and unmoral orders from the highest headquarters came into a severe conflict of conscience and obedience.

Q Was there any education concerning the keeping of secrets?

A Yes, to a certain extent, because the soldier was supposed to learn to keep quiet. The duty to keep quiet was another requirement in addition to that of truthfulness, wakefulness, and the guarding against any kind of bribery. The basis for that was the order of Hitler of the 11th of January 1940, according to which nobody was to concern himself with anything that was none of his business. It was for that reason that the SS, for instance, did not concern itself with what happened with the other groups, such as the Security Police, since the Waffen-SS considered itself a military organization with no connection with the police. For instance, for the fighting SS man, the concentration camp system was an entirely strange field with which he did not concern himself. Due to the special secretness of the duty of the secret police the SS did not have any general information concerning the happenings. Even the SS Court Martial System could hardly have any kind of insight into the situation.

Q Do you remember that any kind of sentences were imposed on persons who had broken that oath of secretness?

A Yes, some such punishments were made public.This concerned itself with cases of treason through negligence.

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Q You mentioned an order of Hitler of January 1940, according to which every person must concern himself only with that which was his duty. Was that order issued only to the SS or was that a general order?

A It was an order which was given also to the other armed forces and, in my opinion, also to the other offices.

Q Was this order also issued, according to what you remember, to armament industries and armament bureaus?

A Yes, I suppose so.

Q What did you teach concerning the treatment of foreign races or foreign countries?

A The basis for that was an SS order in the year 1939 which required understanding of foreign races and foreign people. It required a complete correct, ~~and decent~~ decent and friendly treatment, and a certain amount of holding back. The same thing was also required towards Jews. Also specially taught was the guarding or the honorable attitude towards the women of the foreign nations. We also warned with special measures against plunderings. There was an order by Hitler of the 7th of July, 1940. He required the keeping of strongest discipline also against the civilian population. He especially warned against any kind of actions due to the use of too much alcohol. He threatened hardest, most severe punishments. This order was published in the notices of the Main Office of the SS Court. It was again reprinted in September of 1941, at that time to a very big extent. That was at a time when the mass of the Waffen-SS fought in Russia. We did not know anything about the 30 million Slavs who were supposed to be murdered. That is all concerning this question.

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Q Could you make any observation as to whether the relation to the population in the East was good?

A I personally was in Russia in the year ~~for~~ 1941 for several months as a Division Judge. I noticed that the mentioned order was not always carried out. The actions of the troops was not as was required in this order, a certain amount of keeping in the background, but rather they were very friendly and cordial with the population.

Q Did you also teach concerning the International Laws of Warfare especially concerning the treatment of wounded, prisoners of war, spies and partisans?

A According to the order the units were taught concerning these measures by the Division Judges. I, with my co-workers, educated the officer candidates at the SS Junker Schools to a very large extent on these measures. Presented to them were the contents of the ~~xxix~~ Hague Rules of Land Warfare and the Geneva Convention. It was a matter of certainty that these measures were to be obeyed. On this basis the various decrees were described or explained. We made clear how the wounded, the medical men, the prisoner of war, a spy, or a partisan was to be treated.

MR. TAYLOR: Dr. Pelckmann: Don't you think this witness has very thoroughly covered the teachings of International Law and Rules of Land Warfare and the training the Judges gave? I think he has given a pretty clear picture.

DR. PELCKMANN: I am finished with these questions now.

Q Did you notice any results of these teachings, especially concerning the International Rules of Warfare? I am asking you this question because the Prosecution maintains that the SS was inhumane, that they shot

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prisoners of war and that they also took steps against International Rights, such as, for instance, that they plundered, and other measures. Were such measures against International Law as I mentioned just now, punished?

A According to my observations the troops fought according to International Laws and Orders of Warfare. Of course there were some excesses and even some criminal acts. Generally the unit made reports concerning these things, whereupon followed punishment. Of course it is possible that various crimes were not found out and were blotted out but in general they were investigated and followed up. I know cases from all theaters of war from all the years where cases like that were severely punished. Punished were murder, deadly assault, rape, and other mistreatments; plunderings, of course. They were all punished with extremely severe punishments in order to warn the others or scare them off. I know cases were rape and plunderings received death sentences and where these sentences were actually carried out. I even know a large number of cases in which the persons that were treated like that were Jews. There were also some cases that became known in which enemy fliers were killed. Here, too, there were severe punishments. Ususually these excessive measures were caused through cruelties by the enemy side.

Q Did you have the impression that the units were wild and did not care any more about the International Rules and Regulations, or do you think that these were special cases?

A I believe that the units in general acted honorably and disciplined. Units were not in any way educated to cruelties but to chivalry.

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Q What do you know about the Special Courts Martial and what did you teach about them?

A Under the German Court Martial Manual there is a provision, according to which, besides the regular Courts Martial, there might be some special cases, so called Standgerichte. In these Standgerichte it was not necessary that a military judge preside but it could be an officer in charge. These Special Courts were intended for special immediate use in case the regular judge or person who was supposed to lead any such Courts Martial was not available. These Standgerichte were ~~xxxx~~ used seldom against men of the unit. They were especially used, according to law, against partisans. The unit used its right to sentence partisans to death, according to law, quite often. I received records concerning these trials in the Main Office of the SS Court. The sentences were carried out or were brought about in a lawful way and there was nothing wrong with them. I point out that these Standgerichte were in the entire German Army, not just in the SS.

MR. TAYLOR: Let me ask a question about these courts. Did the witness "review" the records from units or did he "receive" records?

A The units were not required to send these records to the Main Office of the SS Court in Munich. However, at times they did do that and if these records did come in then I checked them as to whether they were all right and they always were. These military Standgerichte did not have anything to do with the Standgerichte of the Gauleiters, and so on. There also was one other special kind of Standgerichte, according to decree of the Reich, Commissar of the Netherlands.

Q Did the SS have anything to do with those?

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A As far as I am informed, Army Judges from all branches of the service participated in those courts. In these courts the accused had their right for a defense.

Q But that was not true about the Standgerichte that were carried out on the Front? Or did the accused on the front have that right also?

A Even here the court proceeding had to be carried out. The right of the accused to defend himself was to be regarded. In other words he did have the possibility to defend himself. In Denmark and Norway there were no such SS Standgerichte, that is no such courts by SS, but the persons were sentenced before regular police courts. These were special cases.

Q Did you also teach, with these Standgerichte, that if at all possible an SS Judge should be present?

A We suggested that to the unit in order to make sure that it was a lawful proceeding. But from my own experience the units themselves carried out these measures correctly.

Q How large, by percentage, was the criminality within the SS to the criminality of the army?

A We carried a very exact statistical record of criminality within the SS at the main office of the SS Court. The punitive offenses were within a reasonable percentage. While it is generally considered that 3 percent is a normal percentage of criminality in civilian justice, the percentage of criminality among the SS was not even 1 percent in the first years of the war. Compared to the criminality of the Army that of the SS was smaller in the first years of the war. In the last years of the war it was about on the same level. The reason for that was

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that in the last few years the SS did not have the selection any more that it used to have.

Q. You stated, witness, that in 1939 you came to the so-called Reserve Unit of the SS, the later Waffen-SS, as a judge. Did you not have any special thoughts concerning entering an SS organization?

A No, I did not have. Here there was a regular Court Martial System for regular units, in which I was supposed to be active as a judge. As a judge I wanted to fight criminal acts but not approve and aid them. I believed that Himmler was collecting a pure selection of men in the SS but not criminals. I believed, just like thousands of other idealists, in the cleanliness of the leadership. If I had known that it was a criminal organization, then I never would have entered it.

Q Did you not know that on the 30th of June 1934 the Regular SS was supposed to have carried out murders?

A That was completely unknown to me. I knew the occurrences of the 30th of June 1934 only as they were generally known, according to which an overthrow of the government by a few professional putsch makers was prevented and high treason was prevented against the country. Hitler promised that excesses which happened during this would be punished by regular courts.

(A recess was taken.)

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Com. A.
Take 2-Pg. 1.
Meehan
5 July, 1942.
Brausse.

(THE COMMISSION CONVENED AT 1130 HOURS.)

COMMISSIONER TAYLOR: We are now ready to proceed, Dr. Pelckmann.

BY DR. PELCKMANN:

Q Witness, concerning the question whether you had any thoughts concerning your entrance to the SS. Did you know for instance that the Gestapo and SD were using criminal actions?

A I did not hear any cases where the Gestapo or the SS were using criminal activities or did not act according to the law, besides that the Gestapo and SS did not have anything to do with the SD. Reserve units. These organizations were considered by the people and the party as a necessary evil. Political police are not liked anywhere and they were not liked in the Waffen SS. The actual functions of the SD were not known to me at that time.

MR. ELWYN JONES: I believe we have had sufficient talk before the commission on the general denials of these SS men and it is unnecessary to take up any more of our time with this discussion.

DR. PELCKMANN: I do not question the witness concerning his general knowledge, but rather I would test the truthfulness of this witness the same as the prosecution does in checking if some of these matters were known to him. I want to ask about his entering the SS.

COMMISSIONER TAYLOR: I don't think the testimony at the present time is of very material benefit to the defense of the organization. It is just a repetition of what has already been said, Doctor.

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DR. PELCKMANN: Do you mean by this what the witness has said from the beginning or what he just said about the last two questions.

COMMISSIONER TAYLOR: It appears that the witness is more or less repeating denials of certain things. He has already testified that he did not know anything about the criminal acts of the organization. You may go ahead with the witness, but confine yourself to new questions.

BY DR. PELCKMANN:

Q I asked the witness these questions because I was not satisfied by a general negative answer and wanted to repeat to him certain specific cases.

Did you not know, witness, that the SS participated in the action of November 9, 1939?

A I had several well known and honest friends in the regular SS. I spoke with them concerning the occurances of the 9th of November. They did not approve of this action and claims that the SS did not participate in it. They were against any kind of measures of force.

COMMISSIONER TAYLOR: He has not answered your question. You asked if he knew and he is going into a long explanation, which I think is unnecessary. He has not yet answered your question.

THE WITNESS: I, personally, did not say that the SS participated in this action.

BY DR. PELCKMANN:

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Q The SS is described as the organization which is supposed to realize Hitler's principle goals. What was your opinion concerning that when you decided to enter the SS in the year of 1939?

A I never thought of it, that the SS could be used or misused for criminal actions. I considered that Hitler attempted to achieve lofty goals in a straightforward way and not by unlawful ways and manners. We also did not believe that there would be a war. When I entered the Waffen SS, the military court marshall system was not even finished as yet.

DR. PELCKMANN: I have no further questions.

CROSS EXAMINATION.

BY MR. ELWYN JONES:

Q Did you yourself sit in at any special courts of the SS?

A No, I never sat in the so-called special courts and I did not have anything to do with them.

Q Do you know for instance of the use that was made of these special summary police courts in Poland by Frank and the SS chiefs there in connection with the AB action?

A I don't know anything of the activities of such Police Standgencht or what these AB measures are. I never heard of them.

Q I will tell you. They were measures for the extermination of the flower of the Polish race, of the intelligentsia, the professors, the teachers. That is what they were and the action was carried through by SS Obergruppenfuehrer Krueger and Strechenbad, more of your comrades of the

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A I did not know of that.

Q The summary court was used because it was a magnificent organization of terror. It was a court that would produce death sentences without any regard of the lawfulness of the case. That is the use your SS system was put to in Poland.

A I don't know of the activities of these courts. They had nothing to do with the Standgericht of which I spoke.

Q Explain to the Commission, if you can, how these special courts used by the SS police in occupied countries fitted into the judicial structure of the SS?

A These courts did not have anything to do with the SS judicial system. Without a doubt it was an instrument on the part of the Police.

Q It was an SS police court, was it not?

A No, it could not have been an SS police court.

DR. PELCKMANN: I have a suggestion. Would it be possible to present to the witness some kind of written matter, or written document, which explains the entire matter and the sentences which were given or carried out bythese courts?

MR. ELWYN JONES: The diary of Frank is full of information about these SS camps in Poland and if the witness cannot assist in this matter, I will move to another subject.

COMMISSIONER TAYLOR: The Commission believes that this is proper cross examination.

THE WITNESS: I don't want these Standericht connected with our SS police courts, which had no relation whatsoever.

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MR. ELWYN JONES: Your courts, which you are telling us about, dealt only with the crimes committed by SS men, is that right?

DR. PELCKMANN: No, that is not correct.

THE WITNESS: Under the SS judicial law, the members of the Waffen SS and this grew during the war time, were ~~tired~~ tried by these courts and in case the crimes of the civilian population were against the army or the armed forces they too could be, according to the military court marshall law, tried before these courts.

BY MR. ELWYN JONES:

Q What sort of crimes were you trying or dealing with in connection with the SS. Were there frequent murders for instance?

A What courts do you speak of?

Q The SS courts dealing with crimes of SS men.

A The most frequent matters were matters concerning property and deadly assault. Murder was tried infrequently. Of course all different kinds of acts or matters were tried before these courts. Matters that were unlawfull, according to the military courts, the military court manual and the Reichs law. Just like in every unit in every country.

Q Do you know, with regard to the eastern campaign of the German army, that instructions were issued to the army that troops were not to be punished for offenses against the civilian population, at least great tolerance was to be shown.

A I came to the east in September of 1941. When I got there, I was told by my predecessor of the absolute necessity to continue or carry out any kinds of trails or punishments against persons that had acted against

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the civilian population. This was not absolutely necessary any more. I personally did not see this order, however, I suppose that the division commander who was the highest judge wanted all kinds of criminal actions against the population reported due to disciplinary reasons. As I have already stated such cases were followed up and I could tell you some instances from cases which I remember.

DR. PELCKMANN: May I suggest to the prosecution that the next witness I am going to call will be asked concerning all these matters. In order to save time, May I suggest to the prosecutor that the next witness be asked all these questions during the examination and cross examination?

COMMISSIONER TAYLOR: I think the cross examination of the witness by the prosecution should continue.

MR. ELWYN JONES: I am grateful to the defending counsel for the information and I shall bear it in mind during the rest of my cross examination.

BY MR. ELWYN JONES:

Q In which divisions of the Waffen SS did you serve?

A I belonged from 1939 until the beginning of 1940 to the 1st SS Police Division and from September to December of 1941 I was first Judge in the SS Division Das Reich.

Q Then you went to work in the Main Office of the SS court, did you not?

A Yes.

Q You served there until the end of the war?

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A No, I was army group judge in the army group Weichsel.

Q Where did you serve then?

A This army group was on the Oder front.

COMMISSIONER TAYLOR: What do you mean by the Oder front.

THE WITNESS: The Oder was a river.

BY MR. ELWYN JONES:

Q During your service in the east, you must have known of the terrible treatment given to certain prisoners of war?

A I did not hot hear that the Soviet prisoners of war were treated terribly. I personally captured a Russian during an advance one time. I sent him to the rear without any escort whatever.

Q Before you proceed with details, let me read what Himmler said, your Chief Himmler you know and I will ask you if you agree with your chief. I will read you from Document 1919 PS, Himmler's Posen speech in which he says:

"In 1941 the Fuhrer attacked Russia. I can give you a picture of this first year in a few words. The attacking forces cut their way through. The Russian Army was herded together in great packets, ground down, taken prisoner. At that time we did not value the mass of humanity as we value it today, as raw material, as labour. What after all, thinking in terms of generations, is not to be regretted, but is now deplorable by reason of the loss of labour, is that the prisoners died in tens and hundreds of thousands of exhaustion and hunger."

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Is that a true picture of what took place?

A I don't know the Posen speech of Himmler.

Q Just answer my question, is that a true picture.

A I never saw a picture like that. A tremendous number of prisoners were taken. I saw how they were loaded on trucks and sent to the rear. The troops gave them food and even cigarettes and then handed over these prisoners of war to the army collection camps for prisoners of war. I did not see anything else concerning this.

Q When you were in the main office of the SS court, you were doubtlessly familiar with Sauckel's slave drive and that female prisoners, young children and old men were employed in camps by Sauckel and the SS played an active part in this program of slavery.

A I did not know that the SS had recruited volunteer workers for Sauckel in the east. I believed that just like all the other Germans that these workers were volunteers that wanted to work in Germany.

Q I want to repeat to you a letter, a copy of which was sent to your office, the main office of the SS court. It is Document 744 PS - Ex. U.S. 455 and a letter from Himmler and 21 copies of this letter were sent to the various branches of the SS, including the headquarters of the Waffen SS and your Main Office - SS court. It is dated August 5, 1943. It is a long document and I only want to deal with the post-script. Himmler adds to Paragraph 4 of the above mentioned order:

"I order that all young female prisoners, capable of work, are to

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be sent to Germany for work through the agency of Reichs Commissioner Sauckel. Children, old women and men are to be collected and employed in the women and children's camps established by me on estates as well as on the borders of the evacuated area."

A I don't know this letter. We, at the Main Office of the SS Court, received a large number of orders which were none of our concern. There was no time to read all these documents.

Q At any rate your Main Office SS Court was apparently being informed about these measures of the enslavement of the people of the conquered territory. Was it not?

A I don't know, as I don't know this letter and cannot make any comment.

Q Would you agree with me that the SS in Germany had a reputation for terror?

A I cannot agree with that.

Q Would you agree with this command of Himmler in Document 1851-Ps, US 040? I quote:

"I know that there are some people in Germany who become sick when they see these black coats. We understand the reasons for this and do not expect that we shall be loved by too many."

A Himmler had publically announced that he would fight against all kinds of crimes and criminals. I am sure that he referred to those criminals, who, of course, would be afraid of the organization of Himmler.

Q You don't agree that the SS was a terror organization?

A No.

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Com. A.
Take 2-Pg. 10
Meehan
5 July
Brousse.

Q Have you ever read Himmler's speech during the course of the war to his own SS leaders?

A I never saw any speeches.

Q I suggest to you that Himmler was the man who was indoctrinating the SS and making it possible for the SS men to embark on these murders that they were committing all over Europe.

A Himmler without a doubt disappointed us very much. He carried on these measures in small groups and I am quite sure the mass of the Waffen SS did not know of them and would not have permitted such things.

Q You say small groups, but whole battalions of the SS were used in the horrible destruction in the Warsaw Ghettos, don't you know?

A I am not informed very well of this action of the Warsaw Ghettoes, but I suppose it was a unit and I know that some units of the Waffen SS were used to throw down this uprizing.

Q I suggest that the Waffen SS was used because it was indoctrinated to hate Jews and to kill them like it was to kill flies.

A The propaganda of the SS did not ask neither openly or secretly the extermination of Jews. I know that people that were guilty of murdering Jews or raping Jewish women were sentenced very severely and even sentenced to death.

Q Himmler in his speech Document 1919 PS expressed pride in the fact that the SS was the agency through which these millions of people were murdered.

A I never saw this speech, therefore cannot make any comment.

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Q He says, for instance, speaking to the SS:

"We have - I would say, as very consistant National Socialists taken the question of blood as our starting point. We were the first really to solve the problem of blood by action, and th this connection, by problem of blood, we of course do not mean anti-semitism. Anti-Semitism is exactly the same as delousing. Getting rid of lice is not a question of ideology. It is a matter of cleanliness. In just the same way, anti-semitism, for us, has not been a question of ideology, but a matter of cleanliness, which will soon have been dealt with. We shall soon be deloused."

This is page 7 from his speech at Kharkow - Document PS 1919.

As I have suggested to you Himmler said that to the SS, which had been his agency and the agency to do this.

A If Himmler actually said that, he should be ashamed. The mass of the SS would never have approved of it. These terrible units of Himmler brought a great deal of terrible contradictions on us.

Q You continued to serve Himmler to the very end, did you not?

A I said that I never heard these speeches or heard of these things.

Q You must have known, as an intelligent man sitting as a judge at the headquarters office of the killing and crimes going on under Himmler's orders.

A I did not know of these mass murders and a large part of the members of the SS did not know of these. These men that were ordered to carry them out were in a terrible position of pressure.

Q Did you speak to any of them?

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A No.

Q How did you know they were in a position of terrible pressure?

A We taught that criminal orders were not to be carried out. Now if Himmler gave such orders which were against our rules and our thoughts of law, then the soldier who had to defend his country in the field of battle was in a terrible position. I spoke in various camps with various comrades and all of them expressed a horror about these matters.

Q What I am suggesting to you is that all the evidence we have in this trial is that/all of the men who were drafted in the SS and SD, there was no resistance on the part of these killers at all. They just killed without any reservations, they killed cold bloodedly and silently without any reason at all.

A I cannot judge that, however, I would say that every decent person would have to have certain feelings of his conscience.

Q One final matter, which I want to ask you about. Were you aware of Hitler's conception of the role of the Waffen SS as the force that would impose Nazi authority and which would continue Nazi authority for Germany for all times after the war?

A We did not think about these matters.

Q You, in the Waffen SS, were essentially the striking force of the Nazi movement, were you not?

A The Waffen SS wanted only to be an example of a good unit that did its duty for its country in a brave manner and wanted to be nothing else.

Q Did you join the SS before the war started?

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A I entered the SS on September 1st when the war broke out, without knowing the war was breaking out at that moment.

Q What unit of the SS did you join?

A As I said, as a SS judge of the Enforcement organization.

Q And you knew perfectly well that the purpose of the enforcement organization was to be the Nazi terror organization to crush the opposing groups inside Germany?

A The organization did not have an enemy, which had to be smashed before 1939. The organization was a unit, a troop, which was considered some kind of a guard elite.

Q The elite to be used as the spearhead inside Germany and in the new territories which Germany was acquiring by threat or force?

A We did not know at that time more countries were to be occupied. We considered Hitler to be the great God of peace in Europe and we did not expect to be thrown into such a horrible war.

Q When did you realize your mistake?

A I started to doubt in the year 1943 - no 1944.

Q Was that when you were losing the war?

A I saw that Hitler carried out a false policy.

MR. ELWYN JONES: I have no further questions.

RE-DIRECT EXAMINATION.

BY DR. PELCKMANN:

Q Witness, the prosecutor asked you, in a surprised manner, how it

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was possible that you as an SS judge did not know anything of these inhuman activities. He especially pointed out to you extracts from the speech of Himmler in 1943 at Posen. You already attempted to explain why you did not know of any of these activities. Could you explain why you did not know anything about this speech and these matters when I tell you that Himmler stated among other things, "I will tellyou something now and you are to forget it right away," also if I tell you that this speech was held only for the Obergruppenfuehrers and was considered a top secret and was to be treated as such.

COMMISSIONER TAYLOR: Don't you think that the witness has already answered that question by stating he never saw nor read any of the speeches. It is not proper redirect examination.

DR. PELCKMANN: I recall the question.

COMMISSIONER TAYLOR: If you have any new matters to bring out, you may ask the questions, but we are wasting time.

BY DR. PELCKMANN:

Q Witness, the prosecutor stated or asked you whether or not the SS was the inner-core of the National Socialistic movement. Would you tell me, witness, whether or not it was necessary for a member of the SS to be a member of the National Socialistic party?

A It was not necessary to be a party member in order to belong to the SS, above all not to the Waffen SS and one has to remember that in the SS they always thought that Hitler had ideological goals and not criminal goals.

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Com. A.
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5 July
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Q Was it that during the years 1942 and 1943 when Himmler made these terrible speeches that a large part of the SS was not volunteering any more.

A The members of the Waffen SS were soldiers just like the other members of the army. They had to do their duty and had to fight unless they wanted to be deserters.

DR. PELCKMANN: I have no further questions.

COMMISSIONER TAYLOR: The witness will be excused. We will recess until two o'clock.

(THE COMMISSION ADJOURNED AT 1245 HOURS.)

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The foregoing is a true and cocrect transcript of the testimony of HANS BERNHARD BRAUSSE taken on 5 July, 1946.

Mabel A. Lessau
Reporter (p 1-12

Alice Meehan
Reporter (p 13-27

CERTIFIED TO: Geo. D. Taylor
Commissioner

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONALMILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

5 July 1946.

COMMISSIONER:

Mr. George R. Taylor

THE S.S.

(THE COMMISSION CONVENED AT 1010 HOURS.)

DR. HANS BERNHARD BRAUSSE, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

Q Whatis your name?

A Hans Bernhard Brausse.

Q Please repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath)

THE COMMISSIONER: You may sit down. Dr. Pelckmann, I understand you are going to prove the ideals and training of the SS by this witness, is that correct?

DR. PELCKMANN: Here is what I want to prove through this witness: The SS Ideology did not have to lead to criminal actions; the lawful education and training of the members of the Waffen-SS was supposed to prevent criminal actions. It had results. The judge who had an insight into the matters of the Waffen-SS did not know that the SS was following criminal goals. He also recognized that the mass of the members did not know of such criminal goals and actions.

MR. TAYLOR: Could you let the Commission know as to about how much time you will require for this witness so that we can arrange accordingly?

DR.PELCKMANN: I believe that I might need less than three hours.

MR. TAYLOR: Very well, proceed with the witness.

DIRECT EXAMINATION

BY DR. PELCKMANN:

Q Witness, when did you enter the SS?

A I voluntarily entered the SS in the summar of 1939, that is in the SS Reserve Unit, in order to become active in the SS as an SS Judge. I received the rank of an SS Sturmbannfuehrer, which is about the same rank as that of a Courts-Martial Officer of the Army.

Q Did you have the training to be ajudge in civil life?

A I was active as an assessor in the German Justice Department and I am also a Doctor of Jury.

Q Was it your duty within the SS to educate the members of the SS according to law?

A Yes, it was my duty for many years. I was active in the centre of the Court Martial System of the Waffen-SS, that is in the so-called Main SS Court in Munich.

Q What was intended with this law education?

A We carried out a preventive anti-crime education. The SS judges were not only supposed to punish members of the SS but also to educate them -- to educate them to decency, morals and rights.

Q And how did you carry out this intention?

A In various ways. First of all, in 1940, a decree came from the Main Office of the SS Court concerning the education of the SS. The troops were to be educated at regular intervals on court martial procedures. The most important lines to be followed were put down in this decree. The SS judges informed not only the officer corps but also the enlisted men concerning the court martial punishments. They also especially instructed the court martia officers. The enlisted men were quite often ordered to attend court martial proceedings as spectators. The Main Office SS Court issued quarterly instructions concerning the court martial system. They were little booklets in a square form, about 24 to 40 pages. These little booklets were issued to all offices and units that were under the SS Court martial system, all the way down to companies. In these booklets the layman received information concerning all the various phases of the military courts and court martial system. Punishments of the various SS courts were published in this booklet as a warning. Other punishments and sentences were made public in Division orders by the SS judges. Finally there was an education on military law at the SS Junker schools by me and my co-workers. The officer candidates therefore were very well informed

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of the military law, disciplinary laws and of the International military rights. The supervising officers of these schools were ordered to Munich for courses in military law at the SS Main Court in Munich.

Q Was there any special SS Ideology used as a basis for this education?

A The basic point was law and order; the goal, to increase the consciousness of right and law; the main point, just like in every army of the world, the preservation and the increase of discipline. This work was supposed to be in unification with the rest of the SS work. I checked the material that was available to me, especially the SS guiding booklets, from 1939 on. I could not find a special SS ideology. However, the members of the SS were required to meet high standards. For instance, bravery, and a careful choosing of a wife The main point was a high moral standard but not criminal actions and immorality. I noticed that no primitive propaganda methods were used. The tendency within the Waffen-SS continued more and more to be in the direction of a good soldierly education. In our work we supported this education and taught a sense of military duty. However, we also regarded the basic principles of the SS. Besides the honorable behaviour, high moral character, special guarding of other races and nationalities and the guarding of religious conduct.

MR. ELWYN JONES: I am interested in knowing whether those are notes to which the witness seems to be referring.

MR. TAYLOR; I think the Commission understands he has them merely for reference.

THE WITNESS: I will gladly put them away.

MR. ELWYN JONES: I think it preferable, Mr. Commissioner, that he should give evidence from his memory if he can. If there is anything exemplary to which he wishes to refer, of course, as the prosecutor I would not object.

DR. PELCKMANN: I had told the witness to make some notes so that he would not go too far from the subject and so that we could stay within the time limit.

MR. TAYLOR: That was the commissioner's impression -- that he used them merely for reference only.

BY DR. PELCKMANN:

A The SS man was supposed to be educated to brave, chivalrous, a good comrade, disciplined, decent and honorable.

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Q Did you also teach about the oath of the SS?

A Yes, we spoke about the oath in connection with bravery and loyalty. The oath of the SS man does not require more than the oath of the soldier, only it is kept in a more personal form. In it, not like the oath of the soldier, no absolute obedience is required. Of course, one of the basic principles was that the leadership was not to request any unlawful or criminal actions. The SS man was supposed to carry out his soldierly duty, true and brave, to his death.

Q What was your education concerning obedience?

A In the notes of the Main Office-SS Court and in the education in the various schools, this matter was discussed thoroughly. We did not teach blind obedience. We pointed out at various times in these little booklets where the borderline of obedience was. We pointed out that a person was not allowed to carry out an order if he noticed or if he found out that the basis for this order was a criminal action. The question of the paragraph 47 of the Military Courts Martial Manual was discussed thoroughly at these schools. Cases from the daily life of a soldier were discussed. It also was taught that the main responsibility with an order was with the leadership. A soldier cannot be required during war time to check every order to ascertain whether or not it was legal. The soldier has to depend on it that the leadership does not require any unlawful actions of him. We taught our officer candidates that the leadership was not allowed to ask the soldiers to carry out unlawful, much less criminal, actions. Now, looking back, I have to see that those persons who received unlawful and unmoral orders from the highest headquarters came into a severe conflict of conscience and obedience.

Q Was there any education concerning the keeping of secrets?

A Yes, to a certain extent, because the soldier was supposed to learn to keep quiet. The duty to keep quiet was another requirement in addition to that of truthfulness, wakefulness and the guarding against any kind of bribery. The basis for that was the order of Hitler of the 11th of January 1940, according to which nobody was to concern himself with anything that was none of his business. It was for that reason that the SS, for instance, did not concern itself with what happened with the other groups, such as the

Security Police, since the Waffen-SS considered itself a military organization with no connection with the police. For instance, for the fighting SS man, the concentration camp system was an entirely strange field with which he did not concern himself. Due to the special secretness of the duty of the secret police the SS did not have any general information concerning the happenings. Even the SS Court Martial System could hardly have any kind of insight into the situation.

Q Do you remember that any kind of sentences were imposed on persons who had broken that oath of secretness?

A Yes, some such punishments were made public. This concerned itself with cases of treason through negligence.

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Q. You mentioned an order of Hitler of January 1940, according to which every person must concern himself only with that which was his duty. Was that order issued only to the SS or was that a general order ?

A. It was an order which was given also to the other armed forces and, in my opinion, also to the other offices.

Q. Was this order also issued, according to what you remember, to armamen. industries and armament bureaus ?

A. Yes, I suppose so.

Q. What did you teach concerning the treatment of foreign races or foreig countries?

A. The basis for that was an SS order in the year 1939 which required understanding of foreign races and foreign people. It required a complete correct, decent and friendly treatment, and a certain amount of holding back. The same thing was also required towards Jews. Also especially taught was the guarding or the honorable attitude towards the women of the foreign nations. We also warned with special measures against plunderings. There was an order by Hitler of the 7th of July, 1940. He required the keeping of strongest discipline also against the civilian population. He especially warned against any kind of actions due to the use of too much alcohol. He threatened hardest, most severe punishments. This order was published in the notices of the Main Office of the SS Court. It was again reprinted in September of 1941, at that time to a very big extent. That was at a time when the mass of the Waffen-SS fought in Russia. We did not know anything about the 30 million Slavswho were supposed to be murdered. That is all concerning this question.

Q. Could you make any observation as to whether the relation to the population in the East was good ?

A. I personally was in Russia in the year 1941 for several months as a Division Judge. I noticed that the mentioned order was not always carried out. The actions of the troops was not as was required in this order, a certain amount of keeping in the background, but rather they were very friendly and cordial with the population.

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Q. Did you also teach concerning the International Laws of Warfare especially concerning the treatment of wounded, prisoners of war, spies and partisans ?

A. According to the order the units were taught concerning these measures by the Division Judges. I, with my co-workers, educated the officer candidates at the SS Junker Schools to a very large extent on these measures Presented to them were the contents of the Hague Rules of Land Warfare and the Geneva Convention. It was amatter of certainty that these measures were to be obeyed. On this basis the various decrees were described or explained. We made clear how the wounded, the medical men, the prisoner of war, a spy, or a partisan was to be treated.

MR. TAYLOR: Dr. Pelckmann : Don't you think this witness has very thoroughly covered the teaching of International Law and Rules of Land Warfare and the training the Judges gave ? I think he has given a pretty clear picture.

DR. PELCKMANN: I am finished with these questions now.

Q. Did you notice any results of these teachings, especially concerning the International Rules of Warfare ? I am asking you this question because the Prosecution maintains that the SS was inhumane, that they shot prisoner of war, and that they also took steps against International Rights, such as, for instance, that they plundered, and other measures.
Were such measures against International Law as I mentioned j st now, punished ?

A. According to my observations the troops fought according to International Laws and Orders of Warfare. Of course there were some excesses and even some criminal acts. Generally the unit made reports concerning these things, whereupon followed punishment. Of course it is possible that various crimes were not found out and were blotted out but in general they were investigated and followed up. I know cases from all theaters of war from all the years where cases like that were severely punished. Punished were murder, deadly assault, rape, and other mistreatments; plunderings of course. They were all punished with extremely severe punishments in

order to warn the others or scare them off. I know cases were rape and plunderings received death sentences and where these sentences were actually carried out. I even know a large number of cases in which the persons that were treated like that were Jews. There were also some cases that became known in which enemy fliers were killed. Here, too, there were severe punishments. Usually these ex cessive measures were caused through cruelties by the enemy side.

Q. Did you have the impression that the units were wild and did not care any more about the International Rules and Regulations, or do you think that these were special cases ?

A. I believe that the units in general acted honorably and disciplined. Units were not in any way educated to cruelties but to chilvary.

Q. What do you know about the Special Courts Martial and what did you teach about them ?

A. Under the German Court Martial Manual there is a provision, according to which, besides the regular Courts Martial, there might be some special cases, so called Standgerichte. In these Standgerichte it was not necessary that a military judge preside but it could be anofficer in charge. These Special Courts were intended for special immediate use in case the regular judge or person who was supposed to lead any such Courts Martial was not available. They were especially used, according to law, against partisans. The unit used its right to sentence partisans to death, according to law, quite often. I received records co cerning these trials in the Main Office of the SS Court. The sentences were carried out or were brought about in a lawful way and there was nothing wrong with them. I point out that these Standgerichte were in the entire German Army, not just in the SS.

MR. TAYLOR: Let me ask a question about these courts. Did the witnes "review" the records from units or did he "receive" records ?

A. The units were not required to send these records to the Main Office of the SS Court in Munich. However, at times they did do that and if these records did come in then I checked them as to whether they were all right and they always were.

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These military Standgerichte did not have anything to do with the Standgericl of the Gauleiters, and so on. There also was one other special kind of Stan gerichte according to decree of the Reich, Commissar of the Netherlands.

Q. Did the SS have anything to do with those ?

A. As far as I am informed, Army Judges from all branches of the service participated in those courts. In these courts the accused had their right for a defense.

Q. But that was not ture about the Standgerichte that were carried out on the Front ? Or did the accused on the front have that right also ?

A. Even here the court proceeding had to be carried out. The right of the accused to defend himself was to be regarded. In other words he did have the possibility to defend himself. In Denmark and Norway there were no such SS Standegerichte, that is no such courts by SS, but the persons were sentenced before regular police courts. These were special cases.

Q. Didyou also teach, with these Standgerichte, that if at all possible an SS Judge should be present ?

A. We suggested that to the unit in order to make sure that it was a lawful proceeding. But from my own experience the units themselves carried out these measures correctly.

Q. How large, by percentage, was the criminality whithin the SS to the criminality of the army ?

A. We carried a very exact statistical record of criminality within the SS at the main office of the SS court. The punitive offenses were within a reasonable percentage. While it is generally considered that 3 percent is a normal percentage of criminality in civilian justice, the percentage of criminality among the SS Was not even 1 percent in the first years of the war. Compared to the criminality of the Army that of the SS was smaller in the first years of the war. In the last years of the war it was about on the same level. The reason for that was that in the last few years the SS did not have the selection any more that it used to have.

Q. You stated, witness, that in 1939 you came to the so-called Reserve Unit of the SS, the later Waffen SS as a judge. Did you not have any specia

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thoughts concerning entering an SS organization ?

A. No, I did not have. Here there was a regular Court Martial System for regular units, in which I was supposed to be active as a judge. As a judge I wanted to fight criminal acts but not approve and aid them. I believed that Himmler was collecting a pure selection of men in the SS but not criminals. I believed just like thousands of other idealists, in the cleanliness of the leadership. If I had known that it was a criminal organization, then I never would have entered it.

Q. Did you not know that on the 30th of June 1934 the Regular SS was supposed to have carried out murders ?

A. That was completely unknown to me. I knew the occurences of the 30th of June 1934 only as they were generally known, according to which an overthrow of the government by a few professional putsch makers was prevented and high treason was prevented against the country. Hitler promised that excesses which happened during this would be punished by regular courts.

(A recess was taken).

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(THE COMMISSION CONVENED AT 1130 HOURS)

COMMISSIONER TAYLOR: We are now ready to proceed, Dr. Pelckmann.

BY DR. PELCKMANN:

Q. Witness, concerning the question whether you had any thoughts concerning your entrance to the SS. Did you know for instance that the Gestapo and SD were using criminal actions?

A. It did not hear any cases where the Gestapo or the SS were using criminal activities or did not act according to the law, besides that the Gestapo and SS did not have anything to do with the SD. Reserve Units. These organizations were considered by the people and the party as a necessary evil. Political police are not liked anywhere and they were not liked in the Waffen SS. The actual functions of the SD were not known to me at that time.

MR. ELWYN JONES: I believe we have had sufficient talk before the commission on the general denials of these SS men and it is unnecessary to take up any more of our time with this discussion.

DR. PELCKMANN: I do not question the witness concerning his general knowledge, but rather I would test the truthfulness of this witness the same as the prosecution does in checking if some of these matters were known to him. I want to ask about his entering the SS.

COMMISSIONER TAYLOR: I don't think the testimony at the present time is of very material benefit to the defense of the organization. It is just a repitition of what has already been said, Doctor.

DR. PELCKMANN: Do you mean by this what the witness has said from the beginning or what he just said about the last two questions.

COMMISSIONER TAYLOR: It appears that the witness is more or less repeating denials of certain things. He has already testified that he did not know anything about the criminal acts of the organization. You may go ahead with the witness, but confine yourself to new questions.

BY DR. PELCKMANN:

Q. I asked the witness these questions because I was not satisfied by a general negative answer and wanted to repeat to him certain specific cases.

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Did you not know, witness, that the SS participated in the action of November 9, 1939?

A. I had several well-known and honest friends in the regular SS. I spoke with them concerning the occurances of the 9th of November. They did not approve of this action and claims that the SS did not participate in it. They were against any kind of measures of force.

COMMISSIONER TAYLOR: He has not answered your question. You asked if he knew and he is going into a long explanation, which I think is unnecessary. He has not yet answered your question.

THE WITNESS: I, personally, did not say that the SS participated in this action.

BY DR. PELCKMANN:

Q. The SS is described as the organization which is supposed to realize Hitler's principle goals. What was your opinion concerning that when you decided to enter the SS in the year of 1939?

A. I never thought of it, that the SS could be used or misused for criminal actions. I considered that Hitler attempted to achieve lofty goals in a straightforward way and not by unlawful ways and manners. We also did not believe that there would be a war. When I entered the Waffen SS, the military court marshal system was not even finished as yet.

DR. PELCKMANN: I have no further questions.

CROSS EXAMINATION

BY MR. ELWYN JONES:

Q. Did you yourself sit in at any special courts of the SS?

A. No, I never sat in the so-called special courts and I did not have anyt ing to do with them.

Q. Do you know for instance of the use that was made of these special summary police courts in Poland by Frank and the SS chiefs there in connection with the AB action?

A. I don't know anything of the activities of such Police Standgencht or what these AB measures are. I never heard of them.

Q. I will tell you. They were measures for the extermination of the

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flower of the Polish race, of the intelligentsia, the professors, the teacher That is what they were and the action was carried through by SS Obergruppenfuehrer Krueger and Strechenbad, more of your comrades of the SS.

A. I did not know of that.

Q. The summary court was used because it was a magnificent organization of terror. It was a court that would produce death sentences without any regard of the lawfulness of the case. That is the use your SS system was put to in Poland.

A. I don't know of the activities of these courts. They had nothing to do with the Standgericht of which I spoke.

Q. Explain to the Commission, if you can, how these special courts used by the SS police in occupied countries fitted into the judicial structure of the SS?

A. These courts did not have anything to do with the SS judicial system. Without a doubt it was an instrument on the part of the Police.

Q. It was an SS police court, was it not?

A. No, it could not have been an SS police court.

DR. PELCKMANN: I have a suggestion. Would it be possible to present to the witness some kind of written matter, or written document, which explains the entire matter and the sentences which were given or carried out by these courts?

MR. ELWYN JONES: The diary of Frank is full of information about these SS camps in Poland and if the witness cannot assist in this matter, I will move to another subject.

COMMISSIONER TAYLOR: The Commission believes that this is proper cross examination.

THE WITNESS: I don't want these Standericht connected with our SS police courts, which had no relation whatsoever.

MR. ELWYN JONES: Your courts, which you are telling us about, dealt only with the crimes committed by SS men, is that right?

DR. PELCKMANN: No, that is not correct.

THE WITNESS: Under the SS judicial law, the members of the Waffen SS and

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this grew during the war time, were tried by these courts and in case the crimes of the civilian population were against the army or the armed forces they too could be, according to the military court martial law, tried before these courts.

BY MR. ELWYN JONES:

Q. What sort of crimes were you trying or dealing with in connection with the SS. Were there frequent murders for instance?

A. What courts do you speak of?

Q. The SS courts dealing with crimes of SS men.

A. The most frequent matters were matters concerning property and deadly assault. Murder was tried infrequently. Of course all different kinds of acts or matters were tried before these courts. Matters that were unlawful, according to the military courts, the military court manual and the Reichs law. Just like in every unit in every country.

Q. Do you know, with regard to the eastern campaign of the German army, that instructions were issued to the army that troops were not to be punished for offenses against the civilian population, at least great tolerance was to be shown.

A. I came to the east in September of 1941. When I got there, I was told by my predecessor of the absolute necessity to continue or carry out any kinds of trials or punishments against persons that had acted against the civilian population. This was not absolutely necessary any more. I personally did not see this order, however, I suppose that the division commander who was the highest judge wanted all kinds of criminal actions against the population reported due to disciplinary reasons. As I have already stated such cases were followed up and I could tell you some instances from cases which I remember.

DR. PELCKMANN: May I suggest to the prosecution that the next witness I am going to call will be asked concerning all these matters. In order to save time, may I suggest to the prosecutor that the next witness be asked all these questions during the examination and cross examination?

COMMISSIONER TAYLOR: I think the cross examination of the witness by the prosecution should continue.

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MR. ELWYN JONES: I am grateful to the defending counsel for the information and I shall bear it in mind during the rest of my cross examination.

BY MR. ELWYN JONES:

Q. In which divisions of the Waffen SS did you serve?

A. I belonged from 1939 until the beginning of 1940 to the 1st SS Police Division and from September to December of 1941 I was first Judge in the SS Division Das Reich.

Q. Then you went to work in the Main Office of the SS court, did you not?

A. Yes.

Q. You served there until the end of the war?

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A No, I was army group judge in the army group Weichsel.

Q Where did you serve them ?

A This army group was on the Oder front.

COMMISSIONER TAYLOR: What do you mean by the Oder front ?

THE WITNESS: The Oder was a river.

BY MR. ELWYN JONES:

Q During your service in the east, you must have known of the terrible treatment given to certain prisoners of war?

A I did not hear that the Soviet prisoners of war were treated terribly. I personally captured a Russian during an advance one time. I sent him to the rear without any escort whatever.

Q Before you proceed with details, let me read what Himmler said, your Chief Himmler, you know, and I will ask you if you agree with your chief. I will read you from Document 1919 PS, Himmler's Posen speech in which he says:

"In 1941 the Fuhrer attacked Russia. I can give you a picture of this first year in a few words. The attacking forces cut their way through. The Russian Army was herded together in great packets, ground down, taken prisoner. At that time we did not value the mass of humanity as we do today, as raw material, as labor. What, after all, thinking in terms of generations, is not to be regretted, but is now deplorable by reason of the loss of labor, is that the prisoners died in tens and hundreds of thousands of exhaustion and hunger." Is that a true picture of what took place ?

A I don't know the Posen speech of Himmler.

Q Just answer my question, is that a true picture ?

A I never saw a picture like that. A tremendous number of prisoners were taken. I saw how they were loaded on trucks and sent to the rear. The troops gave them food and even cigarettes and then handed over these prisoners of war to the army collection camps for prisoners of war. I did

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not see anything else concerning this.

Q When you were in the main office of the SS court, you were doubtlessly familiar with Saukel's slave drive and that female prisoners, young children and old men were employed in camps by Saukel and the SS played an active part in this program of slavery.

A I did know that the SS had recruited volunteer workers for Sauckel in the east. I believed that just like all the other Germans that these workers were volunteers that wanted to work in Germany.

Q I want to repeat to you a letter, a copy of which was sent to your office, the main office of the SS court. It is Document 744 PS-Ex. U.S. 455, and a letter from Himmler and 21 copies of this letter were sent to the various branches of the SS, including the headquarters of the Waffen SS and your Main Office--SS Court. It is dated August 5, 1943. It is a long document and I only want to deal with the post-script. Himmler adds to Paragraph 4 of the above-mentioned order:

"I order that all young female prisoners, capable of work, are to be sent to Germany for work through the agency of Reichs Commissioner Saukel. Children, old women and men are to be collected and employed in the women and children's camps established by me on estates as well as on the borders of the evacuated area."

A I don't know this letter. We, at the Main Office of the SS Court, received a large number of orders which were none of our concern. There was no time to read all these documents.

Q At any rate, your Main Office SS Court was apparently being informed about these measures of the enslavement of the people of the conquered territory. Was it not?

A I don't know, as I don't know this letter and cannot make any comment.

H1065-0046

Q Would you agree with me that the SS in Germany has a reputation for terror ?

A I cannot agree with that.

Q Would you agree with this command of Himmler in Document 1851-PS, US 040 ? I quote:

"I know that there are some people in Germany who become sick when they see these black coats. We understand the reasons for this and do not expect that we shall be loved by too many."

A Himmler had publically announced that he would fight against all kinds of crimes and criminals. I am sure that he referred to those criminals, who, of course, would be afraid of the organization of Himmler.

Q You don't agree that the SS was a terror organization?

A No.

Q Have you ever read Himmler's speech during the course of the war to his own SS leaders ?

A I never saw any speeches.

Q I suggest to you that Himmler was the man who was indoctrinating the SS and making it possible for the SS men to embark on these murders that they were committing all over Europe.

A Himmler, without a doubt, disappointed us very much. He carried on these measures in small groups and I am quite sure the mass of the Waffen SS did not know of them and would not have permitted such things.

Q You say small groups, but whole battalions of the SS were used in the horrible destruction in the Warsaw Ghettos, don't you know ?

A I am not informed very well of this action of the Warsaw Ghettos, but I suppose it was a unit and I know that some units of the Waffen SS were used to throw down this uprising.

Q I suggest that the Waffen SS was used because it was indoctrinated to hate Jews and to kill them like it was to kill flies.

H1065-0047

A The propaganda of the SS did not ask openly nor secretly the extermination of Jews. I know that people who were guilty of murdering Jews or raping Jewish women were sentenced very severely and even sentenced to death.

Q Himmler in his speech Document 1919 PS expressed pride in the fact that the SS was the agency through which these millions of people were murdered.

A I never saw this speech, therefore cannot make any comment.

Q He says, for instance, speaking to the SS:

"We have- I would say, as very consistant National Socialists, taken the question of blood as our starting point. We were the first really to solve the problem of blood by action, and in this connection, by problem of blood, we of course anti-semitism. Anti-semitism is exactly the same as de-lousing. Getting rid of lice is not a question of ideology. It is a matter of cleanliness. In just the same way, anti-semitism, for us, has not been a question of ideology, but a matter of cleanliness, which will soon have been dealt with. We shall soon be de-loused."

This is page 7 from his speech at Kharkow-Document PS 1919. As I have suggested to you, Himmler said that to the SS, which had been his agency and the agency to do this.

A If Himmler actually said that, he should be ashamed. The mass of the SS would never have approved of it. These terrible units of Himmler brought a great deal of terrible contradictions on us.

Q You continued to serve Himmler to the very end, did you not ?

A I said I never heard these speeches or heard of these things.

Q You must have known, as an intelligent man sitting as a judge at the Headquarters Office of the killing and crimes going on under Himmler's orders.

A I did not know of these mass murders and a large part of the members of the SS did not know of these. These men who were ordered to carry them out were in a terrible position of pressure.

Q Did you speak to any of them ?

A No.

Q How did you know they were in a position of terrible pressure ?

A We taught that criminal orders were not to be carried out. Now if Himmler gave such orders which were against our rules and our thoughts of law, then the soldier who had to defend his country in the field of battle was in a terrible position. I spoke in various camps with various comrades, and all of them expressed a horror about these matters.

Q What I am suggesting to you is that all the evidence we have in this trial is that of all the men who were drafted in the SS and SD, there was no resistance on the part of these killers at all. They just killed without any reservations, they killed cold-bloodedly and silently, without any reason at all.

A I cannot judge that, however, I would say that every decent person would have to have certain feelings of his own conscience.

Q One final matter, which I want to ask you about. Were you aware of Hitler's conception of the role of the Waffen SS as the force that would impose Nazi authority and which would continue Nazi authority for Germany for all times after the war ?

A We did not think about these matters.

Q You, in the Waffen SS, were essentially the striking force of the Nazi movement, were you not ?

A The Waffen SS wanted only to be an example of a good unit that did its duty for its country in a brave manner, and wanted to be nothing else.

Q Did you join the SS before the war started ?

H1065 - 0049

A I entered the SS on September 1st when the war broke out, without knowing the war was breaking out at that moment.

Q What unit of the SS did you join?

A As I said, as an SS judge of the Enforcement organization.

Q And you knew perfectly well that the purpose of the enforcement organization was to be the Nazi terror organization to crush the opposing groups inside Germany?

A The organization did not have an enemy, which had to be smashed before 1939. The organization was a unit, a troop, which was considered some kind of a guard elite.

Q The elite to be used as the spearhead inside Germany and in the new territories which Germany was acquiring by threat or force?

A We did not know at that time more countries were to be occupied. I considered Hitler to be the great God of peace in Europe and we did not expect to be thrown into such a horrible war.

Q When did you realize your mistake?

A I started to doubt in the year 1943 -- no 1944.

Q Was that when you were losing the war?

A I saw that Hitler carried out a false policy.

MR. ELWYN JONES: I have no further questions.

REDIRECT EXAMINATION

BY DR. PELCKMANN:

Q Witness, the prosecutor asked you, in a surprised manner, how it was possible that you as an SS judge did not know anything of these inhuman activities. He especially pointed out to you extracts from the speech of Himmler in 1943 at Posen. You already attempted to explain why you did not know of any of these activities. Could you explain why you did not know anything about this speech and these matters when I tell you that Himmler stated among other things, "I will tell you something now and you are to forget it right away," also if I tell you that this speech was held only for the Obergruppenfuehrers and was considered a top secret and was to be treated as such.

COMMISSIONER TAYLOR: Don't you think that the witness has already answered that question by stating he never saw nor read any of the speeches.

H1065 - 0050

It is not proper redirect examination.

DR. PELCKMANN: I recall the question.

COMMISSIONER: If you have any new matters to bring out, you may ask the questions, but we are wasting time.

BY DR. PELCKMANN:

Q Witness, the Prosecutor stated or asked you whether or not the SS was the inner-core of the National Socialistic movement. Would you tell me, witness, whether or not it wasnecessary for a member of the SS to be a member of the National Socialistic party?

A Itwas not necessary to be a party member in order to belong to the S above all not to the Waffen SS and one has to remember that in the SS they always thought that Hitler had ideological goals and not criminal goals.

Q Was it that during the years 1942 and 1943 when Himmler made these terrible speeches that a large part of the SS was not volunteering any more.

A The members of the Waffen SS were soldiers just like the other membe of the army. They had to do their duty and had to fight unless they wanted t be deserters.

DR. PELCKMANN: I have no further questions.

COMMISSIONER TAYLOR: The witness will be excused. We will recess until two o'clock.

(THE COMMISSION ADJOURNED AT 1245 HOURS.)

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The foregoing is a true and correct transcript of the testimony of HANS BERNHARD BRAUSSE taken on 5 July, 1946.

MABEL A. IESSER
Reporter

ALICE MEEHAN
Reporter

CERTIFIED TO:

GEO. R. TAYLOR
Commissioner